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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CHIP-TECH, LTD., on behalf of itself and all  
others similarly situated,

Plaintiff,

v.

PANASONIC CORPORATION, et al.,  
Defendants.

Master File No.: 3:14-cv-03264-JD

**PLAINTIFF QUATHIMATINE  
HOLDINGS, INC. D/B/A DIVICOM,  
USA'S MOTION FOR  
ADMINISTRATIVE RELIEF TO  
CONSIDER WHETHER CASES  
SHOULD BE RELATED PURSUANT  
TO CIVIL L.R. 3-12**

QUATHIMATINE HOLDINGS, INC. D/B/A  
DIVICOM, USA, on behalf of itself and all  
others similarly situated,

Plaintiff,

v.

ELNA CO., LTD., et al.,

Defendants,

No. 4:14-cv-04704-KAW

Pursuant to Civil Local Rules 3-12 and 7-11, Plaintiff Quathimatine Holdings, Inc. d/b/a Divicom, USA submits this Administrative Motion to Consider Whether Cases Should be Related. Plaintiff respectfully requests the Court to relate *Quathimatine Holdings, Inc. d/b/a Divicom, USA v. Elna Co., Ltd.*, No. 4:14-cv-04704-KAW (“*Quathimatine Holdings* action”), filed on October 22, 2014, with *In re Capacitors Antitrust Litigation*, Master File No. 3:14-cv-03264-JD, which is currently assigned to this Court, for all pretrial proceedings before this Court.

This administrative motion is made pursuant to Civil Local rules 3-12 and 7-11 and is based on the following memorandum; the accompanying Declaration of Todd A. Seaver (“Seaver Decl.” or “Seaver Declaration”), the Complaint in the *Quathimatine Holdings* Action, attached as Exhibit A to the Seaver Declaration; the Court’s file; and any argument the Court entertains.

#### **A. INTRODUCTION**

“Whenever a party knows or learns that an action, filed in. . . this district is . . . related to an action which is . . . pending in this District as defined in Civil L.R. 3-12(a), the party must promptly file in the earliest-filed case an Administrative Motion to Consider Whether Cases Should be Related.” Civ. L.R. 3-12(b). Actions are related to each other when “(1) [t]he actions concern substantially the same parties, property, transaction or event; and (2) [i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Civ. L.R. 3-12(a).

On October 2, 2014, the Honorable James Donato issued a Consolidation and Case Management Order (ECF No. 133) consolidating Case Nos. 3:14-cv-03264-JD, 3:14-cv-03300-JD, 3:14-cv-03698-JD, 3:14-cv-03815-JD, and 3:14-cv-04123-JD into *In re Capacitors Antitrust Litigation*, Master File No. 3:14-cv-03264-JD, for all pretrial proceedings. These cases concern an alleged conspiracy to fix, raise, maintain, and/or stabilize prices for aluminum and tantalum electrolytic capacitors.

The *Quathimatine Holdings* Action meets the requirements of Civil Local Rules 3-12 and 7-11 to be related to *In re Capacitors Antitrust Litigation*. Plaintiff Quathimatine Holdings, Inc.

D/B/A Divicom, USA respectfully requests the Court issue the proposed order formally relating this case to *In re Capacitors Antitrust Litigation*.

### **B. RELATIONSHIP OF THE ACTIONS**

The *Quathimatine Holdings* Action involves substantially the same parties and events as cases that are part of *In re Capacitors Antitrust Litigation*. All actions allege that defendants engaged in a conspiracy to fix, raise, maintain, and/or stabilize prices for aluminum and tantalum electrolytic capacitors, in violation of the Sherman Act, 15 U.S.C. § 1 and/or California's antitrust and unfair competition laws.

Plaintiff Quathimatine Holdings, Inc. d/b/a Divicom, USA seeks to represent a class of indirect purchasers that bought capacitors from U.S. distributors for incorporation into other products.

As set forth in Civil Local Rule 3-12(a)(2), it appears likely that there will be an unduly burdensome duplication of labor and expense or the possibility of conflicting results if the cases are conducted before different judges. Therefore, it will be more efficient for all cases to proceed before the same judge so that these analyses and determinations are made by one Court.

Plaintiff Quathimatine Holdings, Inc. d/b/a Divicom, USA is aware of 9 cases that arise out of the same series of transactions, occurrences, and events as the *Quathimatine Holdings* Action (*see* Seaver Decl. ¶ 4):

	CASE NAME	CASE NUMBER & COURT	DATE FILED
1.	<i>Chip-Tech, Ltd. v. Panasonic Corp., et al.</i>	3:14-cv-03264-JD	7/18/2014
2.	<i>Dependable Component Supply Corp v. Panasonic Corp., et al.</i>	3:14-cv-03300-JD	7/22/2014
3.	<i>Schuten Electronics, Inc. v. AVX Corp., et al.</i>	3:14-cv-03698-JD	8/14/2014
4.	<i>Ellis, et al. v. Panasonic Corp., et al.</i>	3:14-cv-03815-JD	8/21/2014
5.	<i>eIQ Energy Inc.. v. AVX Corp., et al.</i>	3:14-cv-04123-JD	9/11/2014
6.	<i>David A. Bennett v. Panasonic Corp., et al.</i>	3:14-cv-04403-JD	9/30/2014
7.	<i>In Home Tech Solutions, Inc. v. Panasonic Corp., et al.</i>	3:14-cv-04657-MEJ	10/8/2014
8.	<i>Toy-Knowlogy Inc., v. Elna Co. Ltd., et al.</i>	3:14-cv-04677-LB	10/17/2014

	CASE NAME	CASE NUMBER & COURT	DATE FILED
9.	<i>CAE Sound., v. Elna Co. Ltd., et al.</i>	14-cv-04677-LB	10/20/2014

There will be an unduly burdensome duplication of labor and expense or the possibility of conflicting results if the cases are conducted before different Judges. Relating the cases will help eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

### C. CONCLUSION

This action satisfies the criteria of Civil Local Rule 3-12. Plaintiff Quathimatine Holdings, Inc. d/b/a Divicom, USA therefore respectfully requests that this case be deemed related to *In re Capacitors Antitrust Litigation* and that it be assigned to the Honorable James Donato.

DATED: October 23, 2014

**BERMAN DEVALERIO**

By: /s/ Todd A. Seaver  
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